

On November 1st, the Board met to consider the various proposals from Toll Brothers as posted on this site when received. The Board voted to accept DOT brick pavers as shown in the illustration.

After we notified the County of our decision, County engineering stated they would approve stamped concrete or asphalt but not brick pavers. This was despite the fact that we were assured by traffic engineering that the pavers were acceptable as long as Toll Brothers agreed to assume responsibility for maintenance, which they did.

We wrote to Commissioner Marcus expressing our displeasure with the decision of County engineering and went to the zoning board hearing on November 4th to state our opposition to any material other than DOT approved pavers.

The zoning commissioner, Sherry Hyman, was not sympathetic to our concerns. She repeatedly asked why there was *any* condition in the resolution requiring the developer to do improvements on Ellison Wilson Road. She asked how far the project is from our boundaries (it's .87 miles) and stated that she didn't see why Toll Brother should be required to do anything in or near our neighborhood given the distance.

We argued the need for traffic mitigation due to the increased traffic resulting from the new developments. Toll Brothers countered with traffic studies that forecast only 50% of the cars will travel on Ellison Wilson.

In response to a neighbor who then appeared and asked that the zoning board require Toll Brothers do more than just the pavers or stamped concrete, Commissioner Hyman asked how many homes were in Juno Isles. The resident responded "330". She then asked how many homes will be in the new development. Toll Brothers responded "78". The Commissioner then responded to the resident, "So, you think these 78 homes should be responsible for maintenance of a project in your neighborhood. Why can't Juno Isles be responsible?"

Finally, the attorney representing Toll Brothers testified that there is no logical reason for the condition and that the new project will have very little impact on Juno Isles. However they are willing to abide by the condition in the resolution in an effort to make everybody happy. He reiterated that the County would not permit the southern island to be built and that Toll Brothers could meet its obligation by building just the northern island regardless of our wishes or concerns. He then said, "If there are any further delays or disagreement, that is exactly what they will do".

The Commissioner stated that despite her misgivings about the rationale for the condition and her belief that the new development, when completed, will successfully challenge its obligation to maintain something nearly a mile away, it was not her wish to undo a condition the developer seems willing to honor. She called for a vote and the board voted to approve stamped concrete in the four locations as shown on the proposal.

The transcript of the hearing will not be available for 2 months. The link to the full video is included below. When it opens, click on the link for the Nov 4th zoning hearing. Our matter starts about 1/3 of the way into the video.

http://www.pbcgov.com/countycommissioners/bcc_meeting_videos.htm